

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 SCS-06 L-03 HA-05 H-01 SS-15 SSO-00

SP-02 NSCE-00 CIAE-00 INR-10 NSAE-00 INRE-00 CA-01

/058 W

-----045964 301907Z /47

O 301829Z MAR 78

FM AMEMBASSY MANAGUA

TO SECSTATE WASHDC IMMEDIATE 6169

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E.O. 11652: N/A

TAGS: PINT, CASC, NU

SUBJECT: EMBASSY COMMUNIQUE ON U.S. ASYLUM POLICY

REF: STATE 080980

1. EMBASSY APPRECIATES PROMPT AND RESPONSIVE GUIDANCE IN REFTEL. HOWEVER, IN LIGHT OF CHARITON CASE, EMBASSY HAS SECOND THOUGHTS ON THE TIMING AND WORDING OF COMMUNIQUE.

2. BECAUSE CHARITON CASE DOES NOT CLEARLY FIT CONDITIONS OF TEMPORARY REFUGE IN TERMS OF PHYSICAL DANGER, EMBASSY BELIEVES THAT COMMUNIQUE MAY BE MORE APPROPRIATELY RELEASED AFTER HIS DEPARTURE FROM EMBASSY IF THAT CAN BE ACHIEVED WITHIN NEXT FEW DAYS AND UNDER CIRCUMSTANCES IN WHICH EMBASSY DOES NOT APPEAR TO HAVE BEEN SUBVERTING NICARAGUAN JUDICIAL PROCESS. HOWEVER, EMBASSY MAY FIND IT DIFFICULT TO AWAIT SUCH OPTIMAL CONDITIONS. IN THAT CASE WE WOULD WANT TO RELEASE COMMUNIQUE WITH REFERENCE ADDED TO COMMUNIQUE THAT "THE USG IS CURRENTLY REVIEWING THE CASE OF MR. CHARITON".

3. EMBASSY HAS ALSO FOCUSED ON POSSIBLE ADVANTAGE DEPENDING ON CIRCUMSTANCES OF SEPARATING COMMUNIQUE INTO TWO PARTS; I.E., A GENERAL STATEMENT OF POLICY (FIRST PARA APPROVED TEXT) AND WRITTEN, FOLLOW-UP RESPONSES TREATING SPECIFIC CASES ON "IF ASKED" BASIS.

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4. UPON FURTHER REVIEW OF APPROVED LANGUAGE REFTEL, EMBASSY BELIEVES THE CASE OF THE CUBAN-AMERICANS COULD BE BETTER DESCRIBED BY THE FOLLOWING LANGUAGE:

"IN JANUARY 1978, AMERICAN CITIZENS SOUGHT TEMPORARY REFUGE IN THE U.S. EMBASSY BECAUSE THEY FEARED FOR THEIR SAFETY AS A RESULT OF RIOTING FOLLOWING THE ASSASSINATION OF DR. PEDRO JOAQUIN CHAMORRO.

AFTER THEY BECAME CONFINCED THAT THEY WERE NO LONGER IN DANGER, THESE PERSONS LEFT THE U.S. EMBASSY. THERE WERE NO LEGAL PROCEEDINGS AGAINST THEM, AND THEY SUBSEQUENTLY LEFT NICARAGUA. AT THE TIME THEY LEFT THE EMBASSY, THE USG HAD NO INFORMATION WHATSOEVER INVOLVING ANY OF THEM IN ANY WAY IN THE DEPLORABLE ASSASSINATION OF DR. CHAMORRO."

5. THE REASON FOR THE SUGGESTED REWORDING IS TO ELIMINATE THE POSSIBLE INTERPRETATION THAT THE U.S. MIGHT HAVE ARRANGED WITH THE GON THE DEPARTURE OF THESE PERSONS. BY BREAKING THE LANGUAGE INTO FACTUAL SEQUENTIAL STATEMENTS THE RESPONSIBILITY FOR THEIR BEING ABLE TO DEPART THE COUNTRY MORE CLEARLY LIES WITH THE GON WHERE IT BELONGS

6. ACTION REQUESTED: EMBASSY WOULD APPRECIATE DEPT. APPROVAL OF THE ABOVE REVISED LANGAUGE AND APPROVAL TO RELEAE THE COMMUNIQUE AT THE TIME AND IN THE FORM WHICH EMBASSY JUDGES MOST APPROPRIATE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLITICAL ASYLUM, REFUGEES, COMMUNIQUE, EMBASSIES, DIPLOMATIC PROTOCOL
Control Number: n/a
Copy: SINGLE
Draft Date: 30 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MANAGU01491
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780138-0854
Format: TEL
From: MANAGUA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978039/aaaaahem.tel
Line Count: 80
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 2fd90fcb-c288-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 STATE 80980
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 28 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3394208
Secure: OPEN
Status: NATIVE
Subject: EMBASSY COMMUNIQUE ON U.S. ASYLUM POLICY
TAGS: PINT, CASC, SREF, PDIP, NU
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/2fd90fcb-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014